

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. S-11/08-524
)
 Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Office of Vermont Health Access (OVHA) denying him coverage for acupuncture treatments under the Vermont Health Access Program (VHAP). The issue is whether acupuncture is a covered service under VHAP.

FINDING OF FACT

The petitioner is a VHAP recipient who suffers from painful heel spurs. The petitioner has requested VHAP coverage for acupuncture treatments for his condition at the suggestion of his physician on a trial basis as a possible alternative to surgery. He has been notified by OVHA that acupuncture treatments are not covered under the VHAP program.

ORDER

The Department's decision is affirmed.

REASONS

The Medicaid regulations, which apply to VHAP coverage as well, state that “[a]cupuncture and services performed in connection with acupuncture are not covered.” W.A.M. § M618. Moreover, VHAP, unlike Medicaid, has no provision for exceptions to non-coverage based on medical necessity or detrimental health consequences. See Id. § M108. As the Department's decision denying VHAP acupuncture coverage to the petitioner is in accordance with its regulations, the Board is bound to uphold the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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